

DIVISION OF MINED LAND RECLAMATION		PROCEDURE NO.	2.4.01
PROCEDURES MANUAL		ISSUE DATE	March 12, 1997
SUBJECT	Checks Returned for Non-Payment	Section	Permitting
		Last Revised	2-8-93

OBJECTIVE AND INTENT:

To ensure moneys owed to the DMLR are paid in a timely manner, and that appropriate action is taken to resolve a situation where a check is returned for non-payment.

PROCEDURES:

Notification:

The Reclamation Program Manager will be notified by the Office of Fiscal Services' Accounting Manager of a check returned for non-payment, when that check was accepted as payment for DMLR permitting fees or bond.

The Reclamation Program Manager shall immediately notify the -

- Reclamation Services Manager of the situation.
- the person or company representative (by telephone or certified mail within 5 working days) of the non-payment, so that immediate action to rectify the situation may be made by the person or company.

Suspension:

If proper restitution is not made by the person or company within 10 working days, the Reclamation Program Manager will prepare a "Suspension Order" letter (to be sent by certified mail) for the Division Director's signature.

The "Suspension Order" letter shall stipulate that:

1. the person's or company's right to conduct coal surface mining operations under the permit is immediately suspended.
2. any and all active coal mining operations conducted on the permit shall immediately cease.
3. the permittee must maintain necessary reclamation activities to prevent any environmental harm during the suspension period.
4. the suspension shall remain in effect until all outstanding moneys owed under the returned check are paid in full. Failure to submit payment within 30 days from issuance of the suspension order will result in revocation of the permit.
5. payment of the moneys in full would result in the withdrawal of the suspension order.

Upon receipt of the "Suspension Order" the Reclamation Services Manager will direct the Field Inspector to conduct an immediate inspection of the permit site to ensure mining operations have ceased.

The Inspector will enforce the order by issuing appropriate enforcement action (Procedure # 3.3.01), if necessary.

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Revocation:

If the person or company fails to submit full payment for the returned check within 30 days of the Suspension Order's issuance, the Reclamation Program Manager will prepare a "Revocation Order" for the Division Director's signature (to be sent by certified mail).

The "Revocation Order" shall give the permittee 60 days to complete reclamation of all disturbed areas of the permit.

Payment:

If acceptable payment is received, receipt will be acknowledged in a typed statement, instead of the regular DMME receipting procedure.

Probation:

Assuming that the returned check was not due to the banking facility's fault, the Division will accept only cashier's checks, money orders, certified checks, or cash as future payment from that company or person for minimum period of one year.

If another check is returned for non-payment during or after the probationary period, the Reclamation Program Manager will follow the aforementioned procedure, and shall inform the person or company representative that the Department/Division will no longer accept his or her personal or company check.